

Atty. Dkt. No. 046585-0188

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jed FAHEY et al.

Title: CANCER CHEMOPROTECTIVE FOOD PRODUCTS

Appl. No.: 09/825,989

Filing Date: 04/05/2001

Examiner: Cybille Delacroix-Muirhei

Art Unit: 1614

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR § 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.113, or an action that otherwise closes prosecution in the application.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Atty. Dkt. No. 046585-0138

Respectfully submitted,

Date August 22, 2002

By Richard C. Peet

FOLEY & LARDNER  
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

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Form PTO-1449 (MODIFIED)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 046585/0138	SERIAL NO. Unassigned
O P E INFORMATION DISCLOSURE CITATION OCT 22 2002 PATENT & TRADEMARK OFFICE		APPLICANT	Jed FAHEY et al.
		FILING DATE April 5, 2001	GROUP ART UNIT Unassigned

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE

**FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
							YES	NO

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

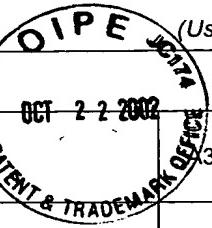
	A3	The Sproutletter, Number 25, Nov. – Dec. 1984.
	A4	"The Sproutletter" May-June 1981, No. 4.
	A5	Roy Bruder, Ph.D., Discovering Natural Foods, (including pgs.203-209), Woodbridge Press, 1982.
	A6	Brian R. Clement, Hippocrates Health Program, (including pgs 7-11), Hippocrates Publications, 1989.
	A7	Jethro Kloss, The Back to Eden Cookbook, pgs. 61-61, Woodbridge Press, 1974.

EXAMINER	DATE CONSIDERED

\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.

Form PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 046585/0138	SERIAL NO. Unassigned
<b>INFORMATION DISCLOSURE CITATION</b>  <i>O I P E</i> <i>Use several sheets if necessary</i>		APPLICANT	Jed FAHEY et al.	
		FILING DATE	GROUP ART UNIT Unassigned	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>				
		A8	Steve Meyerowitz, Sproutmann Kitchen Garden Cookbook, The Sprouthouse, Inc., pgs. 178-179, 290, 1994.	
		A9	Steve Meyerowitz, Sprout It, One week from Seed to Salad, The Sprouthouse, Inc., (including pgs. 84-85, 120-123), June 1994.	
		A10	Steve Meyerowitz, The Complete Guide to Sprouting, Sprouts The Miracle Food, Sproutman Publications, (including pgs. 121-2), May 1998.	
		A11	Esther Munroe, Sprouts to Grow and Eat, (including pgs. 2-15), Dec. 1974.	
		A12	Jean Hewitt, The New York Times "New Natural Foods Cookbook:, Avon Books, pgs. 200-203, 1982.	
		A13	Martha H. Oliver, Add a Few Sprouts To Eat Better for Less Money, Pivot Original Health Books, (including pgs. 52-53, 118-119), 1975.	
		A14	James C. Schmidt, Horticulture Facts, "Growing Sprouts Indoors", (Rev. 4/81).	
		A15	Angnes Toms, The Joy of Eating Natural Foods, The Complete Organic Cookbook, pgs. 318-319, Nov. 1971.	
		A16	Karen Cross Whyte, The Complete Sprouting Cookbook, Troubador Press, (including pags. 57-59), 1973.	
		A17	Ann Wigmore, The Sprouting Book, Avery Publications, (including pgs. 29-37), 1986.	
		A18	Debra Schwarze, Growing Sprouts, Neb Guide, Jan. 1989.	
		A19	John Tobe, Sprouts Elixir of Life", 1970.	
		A20	Alicia Bay Laurel, "Living on the Earth" a Vintage Book.	
		A21	David Ehrlich with George Wolf, Foreward by Peter Albright, M.D., "The Bowell Book", Schocken Books, 1981.	
		A22	"The Good News Sprouts Recipe Book" ISGA, Aug. 1992.	

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<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>				
A23	Ann Wigmore, "The Hippocrates Diet and Health Program", Avery Publications, 1984.			
A24	Sprouting Publications Oahspe Foundation, Health and Sprouting Supplies.			
A25	Sproutletter, #41, Summer, 1989.			
A26	The Sproutletter, Number 27, March-April 1985.			
A27	Steve Meyerowitz, Growing Vegetables Indoors", 1983.			
A28	The Sproutletter, Number 24, Sept.-Oct. 1984.			
A29	The Sproutletter, Issue 33, Spring 1987.			
A30	The Sproutletter, Number 28, May-June 1985.			
A31	The Sproutletter, Number 26, Jan-Feb 1985.			
A32	Sprouting Publications, Health and Sprouting Supplies.			
A33	The Sproutletter, Number 29, July – August 1985.			
A34	Sproutletter, #40, Spring, 1989.			
A35	The Sproutletter, Number 32, Summer.			
A36	Sproutletter, #44, March 1991.			
A37	Sproutletter, #36, Winter, 1987-88.			

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		April 5, 2001		Unassigned	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>					
 OCT 22 2002		A38	Sproutletter, #39, Fall, 1988.		
		A39	Sproutletter, #43, May/June 1990.		
		A40	Sproutletter, #38, Summer, 1988.		
		A41	Sprouting Publications Health and Sprouting Supplies.		
		A42	Spring Sale for Members Only.		
		A43	The Sproutletter, A newsletter of useful and unusual information on sprouts, raw foods and nutrition.		
		A44	The Sproutletter, #31, Winter.		
		A45	Deirdre Purdy, ed., The Summer Kitchen, A Farmers' Market Cookbook, 1981.		
		A46	Viktoras Kulvinskas, M.S. Co-Director Hippocrates Health Institute, "Love Your Body or how to be a live food lover", 1974.		
		A47	The Sprout House Article from Newspaper.		
		A48	New Prices – New Products, July 1985 order form.		
		A49	Steve Meyerowitz, Indoor Vegetable Kit, The Sprout House.		
		A50	The Sprout House Newsletter, Issue #15, August, 1992.		
		A51	Sproutman's Exotic Seeds for Sprouting 100% Organically Grown Order Form.		
		A52	Complaint for Patent Infringement (Brassica Protection Products, LLC v. The Sproutman, Inc. dated September 20, 1999.		

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(Use several sheets if necessary)		FILING DATE	GROUP ART UNIT Unassigned

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

<i>O I P E S C I N</i> <b>OCT 22 2001</b> <i>PATENT &amp; TRADEMARK OFFICE</i>	A53	Murry Tizer's Answer, Affirmative Defenses and Counterclaims dated June 28, 1999
	A54	The Sproutman, Inc.'s Answer, Affirmative Defenses and Counterclaims dated June 28, 1999
	A55	Request for Reexamination of U.S. Patent No. 5,725,895 filed October 11, 1999
	A56	Sprout it! One Week From Seed to Salad, Steve Meyerowitz (The Sprout House, Inc., Great Barrington, MA),. Pages 20-21, 58, 85-86, 120-123, 1993.
	A57	Munroe, E., Sprouts to Grow and Eat, the Steven Greene Press, (1974), pp. 2-9 and 14-15
	A58	Schmidt, James C., Growing Sprouts Indoors, Cooperative Extension Service of the University of Illinois at Urbana-Champaign, College of Agriculture (1984) (pamphlet)
	A59	Whyta, K.C., The Complete Sprouting Cookbook, Troubador Press (1983), pp 10-16, 57-60
	A60	The Sprout House cookbook, Steve Meyerowitz (The Sprout House, Inc. Great Barrington, MA 1983), pages 20-21, 85, 120-123.
	A61	The Good New Sprouts Recipe Book, International Sprout Growers Association, pp. 1-8, August 1992. Posner et al., "Design and Synthesis of Bifunctional Isothiocyanate Analogs of Sulforaphane.
	A62	Posner et al., " Design and Synthesis...and potency as Inducers of Anticarcinogenic Detoxication Enzymes", Journal of Medicinal Chemistry, Vol. 37, No. 1, pp. 170-175, 1994
	A63	Zhang et al., "A major inducer of Anticarcinogenic protective enzymes from broccoli; isolation And education of structure", Proc. Natl. Acad. Sci. USA, Vol. 89, pp. 2399-2403, March 1992.
	A64	Prochaska et al. "Rapid detective of inducers of enzymes that protect against carcinogens", Proc. Nat'l. Sci. USA Vol. 89, pp. 2394-2388, March 1992
	A65	Zhang et al., "Anticarcinogenic activities of sulforaphane and structurally related synthetic norbornyl isothiocyanates", Proc. Natl. Sci. USA, Vol. 91, pp. 3147-3150, April 1994.
	A66	Prochaska et al., "Regulatory Mechanisms of Monofunctional and Bifunctional Anticarcinogenic Enzyme, Inducers in Murine Liver.; Cancer Research Vol. 48, pp. 4776-4782, September 1988.

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<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>					
OCT 22 2002 PATENT & TRADEMARK OFFICE		Prochaska et al., "Direct Measurement of NAD(P)H: Quinone Reductase from Cells Cultured in Microtiter Wells: A Screening Assay for...Inducers", analytical Biochemistry, Vol. 169, pp. 328-336, 1988.			
		Beecher, "Cancer prevention properties of varieties of Brassica oleracea: a review <sup>1-3</sup> ", Am J. Clin. Nutr.: 59 (suppl.) pp. 1166 s-1170s, 1994.			
		Presters et al., "Chemical and molecular regulation of enzymes that detoxify carcinogens", Proc. Natl. Acad. Sci. USA, Vol. 90, pp. 2965-2969, April 1993.			
		Zhand et al., "Anticarcinogenic Activities of Organic Isothiocyanates: Chemistry and Mechanisms", Cancer Research suppl., 54, pp. 1976s-1981s, April 1, 1994.			
		Talalay, "The role of Enzyme Induction in Protection Against Carcinogenesis", Cancer Chemoprevention, pp. 469-478, 1992.			
		Prestera et al., "The Electrophile Counterattack Response: Protection Against Neoplasia and Toxicity", Advan. Enzyme Regul., vol. 33, pp. 281-296, 1993.			
		Masilungan et al., "Screening of Philippine Medicinal Plants for Anticancer Agents using CCNSC Protocols", Cancer Chemotherapy Reports (Part 2) Vol. 2, No.1, pp. 135-140, April 1971.			
		Polasa et al., "Cancer preventive properties of varieties of Brassica oleracea: A review Source", American Journal of Clinical Nutrition 59 (5 Suppl), 1994.			
		Patent Abstract of Japan Sect. No. 305, Vol. 9, No. 2371, p.2, September 1985.			
		Barrett et al., "Protective Effect of Cruciferous Seed Meals Against Mouse Colon Cancer", Cereal Foods World 613, Vol. 39, No. 8, pp. 613, August 1994, Abstract #127.			
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